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BEFORE THE ARIZONA CORPORATION COMMISSION

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2006 JUL 28 P 4: 40

AZ CORP COMMISSION
DOCUMENT CONTROL

JEFF HATCH-MILLER

Chairman

WILLIAM A. MUNDELL

Commissioner

MIKE GLEASON

Commissioner

KRISTIN K. MAYES

Commissioner

BARRY WONG

Commissioner

Arizona Corporation Commission

DOCKETED

JUL 28 2006

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IN THE MATTER OF THE FORMAL
COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT OF PAC-
WEST TELECOMM, INC. AGAINST QWEST
CORPORATION

) DOCKET NO. T-03693A-05-0875
) T-01051B-05-0875
)
) PLAINTIFF'S MOTION IN
) LIMINE TO BAR REFERENCES
) TO VNXX TRAFFIC
)
)

Pursuant to Ariz. R. Evid. 401, 402 and 403, Plaintiff Pac-West Telecomm, Inc. ("Pac-West") moves the Administrative Law Judge to bar any references in discovery and at hearing to "VNXX" traffic, allegations that such traffic is unlawful under the parties' interconnection agreement, or allegations that such traffic is not compensable under the parties' interconnection agreement. This motion is supported by the following Memorandum of Points and Authorities and the Certification of Counsel Pursuant to Ariz. Civ. Proc. Rule 7.2, attached hereto as Exhibit A.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

On June 29, 2006, the Arizona Corporation Commission (“Commission”) issued Decision No. 68820 (“Decision”). In Decision No. 68820, the Commission ordered Qwest to compensate Pac-West for ISP-bound traffic, rejecting Qwest’s argument that it was not obligated to pay Pac-West for the termination of VNXX ISP-bound traffic. The Commission based its decision “on the plain language of the specific contract terms.” Decision at 8. The Commission dismissed Qwest’s counterclaims that Pac-West violated federal and state law by improperly routing VNXX calls over local interconnection service trunks. Decision at 14. In sum, the Commission unequivocally rejected Qwest’s argument that the parties’ interconnection agreement contained a different set of rules for “VNXX” traffic.

Arizona’s general policy regarding VNXX use and compensation is undetermined by the Commission. For this very reason, Qwest has numerous forums wherein it can continue advancing its arguments concerning VNXX traffic. Foremost, Qwest has filed an Application for Rehearing of Decision No. 68820, and has given every indication that it will appeal that decision. That is the forum wherein arguments concerning the legality of VNXX use under the Pac-West/Qwest ICA belong. Further, the Commission has ordered a generic docket to investigate and make recommendations concerning whether VNXX traffic is in the public interest. Decision at 14. In either of these forums, Qwest may continue to argue that Pac-West does not deserve compensation for terminating calls from Qwest customers. This proceeding, however, is not one of those forums. The

Commission has issued a decision on whether VNXX traffic was covered under the Pac-West/Qwest interconnection agreement and, for purposes of this proceeding, Qwest must abide by that decision.

II. VNXX Traffic Is Not a Separate Category of Traffic Under the Pac-West/Qwest ICA

Qwest has propounded numerous data requests concerning VNXX traffic.

Attached as Exhibit B is Qwest's First Set of Data Requests to Pac-West Telecomm, Inc. Nearly half of these requests seek information concerning "VNXX service," "non-local" traffic or the "physical location" of Pac-West facilities. These inquiries are not relevant to this dispute. Admittedly, these data requests were propounded when Decision No. 68820 had not yet been issued and Qwest was entitled to advance its arguments regarding the meaning of the Pac-West/Qwest ICA. However, now that the Commission has issued its Decision, questions concerning "VNXX" traffic, "non-local" traffic, and the physical location of Pac-West customers are inapposite. VNXX traffic is not a separate category of ISP-bound traffic, "non-local" traffic does not exist under the Pac-West ICA and the physical location of Pac-West customers is not relevant to the parties' respective obligations to fund direct trunk transport.

Question 14 in the attached Exhibit B is illustrative. Qwest asks for the physical location of Pac-West (or its customer's) ISP server. This question is intended solely to lay a foundation for Qwest's argument that Qwest need not pay compensation for a facility that carries VNXX traffic. However, as the Commission has ordered, the Pac-West ICA does not distinguish between VNXX traffic and non VNXX traffic. No such

provision appears in the Pac-West ICA and the Commission has expressly ordered that Qwest's obligation to pay under the ICA does not hinge on whether the traffic is VNXX traffic or non-VNXX traffic.

III. All References to VNXX or Non-Local Traffic Should Be Barred in This Case

This dispute involves the parties' relative financial obligations to fund direct trunk transport. Pac-West agrees that questions concerning ISP-bound traffic are relevant to some aspects of this dispute. However, Qwest is collaterally estopped from arguing that the VNXX traffic is not compensable, or that VNXX (or "non-local" traffic) is barred under the contract. The Commission has expressly rejected these arguments. Decision at 14. With one very narrow exception, the type of traffic carried on any one trunk is not relevant to this dispute.¹ All references by Qwest that VNXX or non-local traffic are not relevant should be barred in this case.

IV. Conclusion

For the foregoing reasons, Pac-West requests an order barring any discovery or references to VNXX traffic or "non-local" traffic. Specifically, Pac-West requests that the Hearing Officer enter an order setting the following limitations:

1. Neither party will discuss or raise allegations concerning VNXX traffic in discovery, testimony, briefing or at hearing.

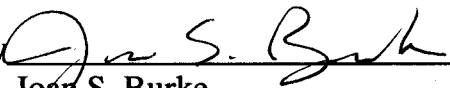
¹ That exception relates to trunks ordered "for the sole purpose of delivering ISP bound, interstate in nature, traffic," and is relevant to the availability of the SPOP product.

2. Qwest will withdraw all discovery requests involving assertions relating to VNXX traffic, "non-local" traffic, the physical location of Pac-West customers, or the network facilities used to serve Pac-West customers.

3. Neither party will discuss or raise allegations concerning VNXX traffic, "non-local" traffic, the physical location of Pac-West customers, or the physical location of network facilities in testimony, at the hearing, or in briefing.

Respectfully submitted this 28th day of July, 2006.

OSBORN MALEDON PA

By 
Joan S. Burke
2929 North Central, Suite 2100
Phoenix, Arizona 85012
(602) 640-9356
E-mail: jburke@omlaw.com

Attorney for Pac-West Telecomm, Inc.

Original and fifteen (15) copies of
the foregoing were filed this 28th day of
July, 2006, with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Copies of the foregoing hand-delivered this
28th day of July, 2006, to:

Amy Bjelland
Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Copy of the foregoing mailed this 28th day of
July, 2006, to:

Norman Curtright
Qwest Corporation
4041 North Central Avenue
Phoenix, AZ 85012

Timothy Berg
Patrick J. Black
Fennemore Craig, PC
3003 North Central Avenue, Suite 2600
Phoenix, AZ 85012
Attorneys for Qwest Corporation

Brenda Wendt

A

BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER

Chairman

WILLIAM A. MUNDELL

Commissioner

MIKE GLEASON

Commissioner

KRISTIN K. MAYES

Commissioner

BARRY WONG

Commissioner

IN THE MATTER OF THE FORMAL
COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT OF PAC-
WEST TELECOMM, INC. AGAINST QWEST
CORPORATION

) DOCKET NO. T-03693A-05-0875
) T-01051B-05-0875

) **CERTIFICATION OF**
) **COUNSEL PURSUANT TO**
) **ARIZ. CIV. PROC. RULE 7.2**

)
)

I, Joan S. Burke, declare that:

1. I am an attorney associated with Osborn Maledon, P.A., counsel for plaintiff Pac-West Telecomm, Inc.

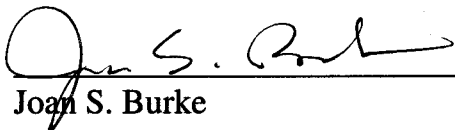
2. Pursuant to Ariz. Civ. Proc. R. 7.2, on June 19, 2006, I wrote counsel for Qwest Corporation ("Qwest") asking that Qwest stipulate that allegations regarding VNXX or "non-local" traffic not be raised at the hearing, in discovery, in briefing or in testimony.

3. My letter was sent by U.S. mail to counsel for Qwest on June 19, 2006. A copy of my June 19 letter is attached hereto.

4. As of today, July 28, 2006, counsel for Qwest has not responded to the June 19, 2006 letter.

I, Joan S. Burke, declare under penalty of perjury that the foregoing is true and correct.

Dated: July 28, 2006.


Joan S. Burke

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21st Floor
2929 North Central Avenue
Phoenix, Arizona 85012-2794

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Phoenix, Arizona 85067-6379

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July 19, 2006

Norman G. Curtright
Corporate Counsel
Qwest
4041 North Central Avenue, 11th Floor
Phoenix, Arizona 85012

Re: *Pac-West Telecomm, Inc. v. Qwest Corporation*
Docket Nos. T-03639A-05-0875 & T-01051B-05-0875

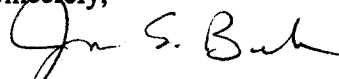
Dear Norm:

With Commission Decision No. 68820 in Docket No. T-01051B-05-0495 now final, Pac-West believes it would be helpful to enter into a stipulation with Qwest limiting discovery and legal arguments in the above-referenced docket. To the extent Qwest has argued that VNXX traffic is unlawful under the Pac-West/Qwest interconnection agreement, and that this impacts Qwest's obligation to maintain their trunking facilities on its side of the Point of Interconnection ("POI"), these arguments fail in light of Decision No. 68820. With this clear direction from the Commission, Pac-West seeks to stipulate with Qwest to the following evidentiary limitations in this case:

1. Neither party will discuss or raise allegations concerning VNXX traffic in discovery or at the hearing.
2. Qwest will withdraw all discovery requests involving assertions relating to VNXX traffic, the physical location of Pac-West customers, or the network facilities used to serve Pac-West customers.
3. Neither party will discuss or raise allegations concerning "non-local" traffic in discovery or at the hearing.

This stipulation would not, in any manner, restrict or reduce discovery, testimony or legal arguments concerning ISP-bound traffic. By way of this stipulation, the parties can focus discovery and testimony on the claims asserted in the Pac-West complaint and all defenses and counterclaims raised by Qwest, which have not already been resolved by the Commission. Please feel free to contact me if you have any questions regarding the proposed stipulation.

Sincerely,



Joan S. Burke

cc: Patrick J. Black
JSB/bw

1314615

B

LAW OFFICES
FENNEMORE CRAIG
A PROFESSIONAL CORPORATION

RECEIVED

MAR 22 2006

OSBORN MALEDON PA *bw*

PATRICK J. BLACK
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OFFICES IN:
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March 22, 2006

HAND-DELIVERY

Joan S. Burke
OSBORN MALEDON
2929 North Central, Ste. 2100
Phoenix, AZ 85012

Re: Qwest Corporation's First Set of Data Requests to Pac-West Telecomm,
Inc.; Docket No. T-03693A-05-0875; T-01051B-05-0875

Dear Ms. Burke:

Attached please find Qwest Corporation's First Set of Data Requests to Pac-West Telecomm, Inc. ("Pac-West") in the above-captioned matter. Responses are due April 3, 2006. Objections to any request should be provided by March 29, 2006. Should you have any questions, please do not hesitate to call. Thank you.

Very truly yours,



Patrick J. Black

Enclosure

cc: Norman Curtright, Qwest Corporation

1776313.1/67817.401

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 JEFF HATCH-MILLER

Chairman

3 WILLIAM MUNDELL

Commissioner

4 MARC SPITZER

Commissioner

5 MIKE GLEASON

Commissioner

6 KRISTIN K. MAYES

Commissioner

7
8 IN THE MATTER OF THE FORMAL
9 COMPLAINT AND REQUEST FOR
10 DECLARATORY JUDGMENT OF PAC-
11 WEST TELECOMM, INC. AGAINST
12 QWEST CORPORATION

DOCKET NO. T-03693A-05-0875
T-01051B-05-0875

**QWEST CORPORATION'S FIRST SET
OF DATA REQUESTS TO PAC-WEST
TELCOMM, INC.**

13 Qwest Corporation ("Qwest") hereby submits its First Set of Data Requests to Pac-
14 West Telecomm, Inc. ("Pac-West") in the above-captioned docket. Qwest instructs that full
15 and complete responses be made by Monday, April 3, 2006.

16 **DEFINITIONS**

17 As used herein, the following terms have the meaning as set forth below:

18 1. The term "you," and "your" shall mean Pac-West, as well as any parent,
19 subsidiaries, and affiliates, former and present officers, attorneys, employees, servants,
20 agents and representatives, and any person acting on their behalf for any purpose.

21 2. "List," "describe," "detail," "explain," "specify" or "state" shall mean to set
22 forth fully, in detail, and unambiguously each and every fact of which you, your company
23 or your agents or representatives have knowledge which is relevant to the answer called for
24 by the data request.

25 3. The terms "document," "documents," or "documentation" as used herein
26 shall include, without limitation, any writings and documentary material of any kind
whatsoever, both originals and copies (regardless of origin and whether or not including

1 additional writing thereon or attached thereto), and any and all drafts, preliminary versions,
2 alterations, modifications, revisions, changes and written comments of and concerning such
3 material, including, but not limited to: correspondence, letters, memoranda, internal
4 communications, notes, reports, directions, studies, investigations, questionnaires and
5 surveys, inspections, permits, citizen complaints, studies, papers, files, books, manuals,
6 instructions, records, pamphlets, forms, contracts, contract amendments or supplements,
7 contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices,
8 confirmations, telegrams, communications sent or received, print-outs, diary entries,
9 calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations,
10 ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes,
11 transcripts, logs, work papers, minutes, summaries, notations and records of any sort
12 (printed, recorded or otherwise) of any oral communications whether sent or received or
13 neither, and other written records or recordings, in whatever form, stored or contained in or
14 on whatever medium including computerized or digital memory or magnetic media that:
15 (a) are now or were formerly in your possession, custody or control; or (b) are known or
16 believed to be responsive to these interrogatories, regardless of who has or formerly had
17 custody, possession or control.

18 4. The terms "identify" and "identity" when used with reference to a natural
19 person means to state his or her full name, present or last known address, present or last
20 known telephone number, present or last known place of employment, position or business
21 affiliation, his or her position or business affiliation at the time in question, and a general
22 description of the business in which he or she is engaged.

23 5. The terms "identify" and "identity" when used with respect to any other
24 entity means to state its full name, the address of its principal place of business and the
25 name of its chief executive officers.

26 6. The terms "identify" and "identity" with respect to a document mean to state

1 the name or title of the document, the type of document (e.g., letter, memorandum,
2 telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the
3 person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it
4 was sent, its general subject matter, its present location, and its present custodian. If any
5 such document was but is no longer in your possession or subject to your control, state
6 what disposition was made of it and explain the circumstances surrounding, and the
7 authorization for, such disposition, and state the date or approximate date of such
8 disposition.

9 7. The terms "identify" and "identity" with respect to any non-written
10 communication means to state the identity of the natural person(s) making and receiving
11 the communication, their respective principals or employers at the time of the
12 communication, the date, manner and place of the communication, and the topic or subject
13 matter of the communication.

14 8. The term to "state the basis" for an allegation, contention, conclusion,
15 position or answer means: (a) to identify and specify the sources therefore; (b) to identify
16 and specify all facts on which you rely or intend to rely in support of the allegation,
17 contention, conclusion, position or answer; and (c) to set forth and explain the nature and
18 application to the relevant facts of all pertinent legal theories upon which you rely for your
19 knowledge, information and/or belief that there are good grounds to support such
20 allegation, contention, conclusion, position or answer.

21 9. The terms "relates to" or "relating to" mean referring to, concerning,
22 responding to, containing, regarding, discussing, describing, reflecting, analyzing,
23 constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any
24 way pertaining to.

25 10. The term "including" means "including, but not limited to."

26 11. The terms "CLEC" or "competitor" means any competing local exchange

1 carrier not affiliated with Qwest, regardless of whether the carrier is presently providing
2 local telephone exchange services in the State of Arizona.

3 12. The term "carrier" means any provider of telecommunications services.

4 13. The term "possession, custody or control" includes the joint and several
5 possession, custody, or control not only by one or more employees or representatives of
6 Pac-West, but also by each or any person acting or purporting to act on their behalf or any
7 employees or representatives whether as an agent, independent contractor, attorney,
8 consultant, witness or otherwise.

9 14. "Entity" or "entities" means any corporation, unincorporated association, sole
10 proprietorship, partnership, individual, department, agency or consulting firm.

11 INSTRUCTIONS

12 A. These data requests shall be deemed to be continuing. You are obliged to
13 change, supplement, and correct all answers to data requests to conform to available
14 information, including such information as first becomes available to you after the data
15 requests hereto are filed and made, should additional information become known or should
16 information supplied in the responses prove to be incorrect or incomplete.

17 B. The response to each data request provided should first restate the question
18 asked and also identify the person(s) supplying the information and the name of the witness
19 or witnesses who will be prepared to testify concerning the matters contained in any
20 response or document produced.

21 C. In answering these data requests, furnish all information that is available to
22 you or may be reasonably ascertained by you, including information in the possession of
23 any of your agents or attorneys, or otherwise subject to your knowledge, possession,
24 custody or control.

25 D. If in answering these data requests you encounter any ambiguity in
26 construing the request or a definition or instruction relevant to the inquiry contained within

1 the request, set forth the matter deemed "ambiguous" and set forth the construction chosen
2 or used in responding to the request.

3 E. If you object to any part of a request, answer all parts of such requests to
4 which you do not object, and as to each part to which you do object, separately set forth the
5 specific basis for the objection.

6 F. In the event you assert that the data requested is privileged, you should
7 identify any such data and any supporting documents in your written response, by date, and
8 provide a general description of its content. You should also identify all persons who
9 participated in the preparation of the document and all persons, inside or outside Pac-West,
10 who received a copy, read or examined any such document. In addition, you should
11 describe, with particularity, the grounds upon which privilege is claimed.

12 G. In the event that you assert that the requested data are not relevant or material
13 to any issue in the above-captioned matter, you should indicate in your written response to
14 the specific basis for such assertion.

15 H. In the event you assert that the requested data are public information
16 otherwise available to Qwest, you should identify the following in your written response:

- 17
- 18 1. The title or description of the data claimed to be public information;
 - 19 2. The specific page and line number on which the requested material can
20 be found;
 - 21 3. The address of the office(s) and/or location(s) nearest downtown
22 Denver where the document or file containing the requested material is
23 maintained for public inspection.

24 I. In the event that you assert that the requested data are not available in the
25 form requested, you should disclose the following in your written response thereto:
26

- 1 1. The form in which the requested data currently exists (identifying
- 2 documents by title or description);
- 3 2. The earliest dates, time period, and location that representatives of
- 4 Qwest may inspect Pac-West files, records or documents in which the
- requested data currently exist.

5 J. If any request calls for a document that has been destroyed, placed beyond
6 your control, or otherwise disposed of, identify with specificity each such document and
7 describe in detail any such destruction, placement or disposition.

8

9 **DATA REQUESTS**

- 10
- 11 1. Please state whether any voice traffic is carried over the trunks Pac-West has
 - 12 obtained from Qwest. If Pac-West customers originate voice grade traffic,
 - 13 please state the volume of the traffic on a monthly and annual basis and its per
 - 14 cent of all traffic exchanged between Qwest and Pac-West for the years 2000-
 - present. State how much of the traffic is originated by a Pac-West customer
 - and how much of the traffic is terminated to a Pac-West customer.
- 15 2. Please state whether any traffic, other than Internet Service Provider (ISP-
 - 16 bound) traffic, is carried on any trunks Pac-West has obtained from Qwest. Of
 - 17 all the ISP-bound traffic carried on any of the trunks Pac-West has obtained
 - 18 from Qwest, please state the volume of the 2001 - present traffic on a monthly
 - 19 and annual basis which is (a) originated by Pac-West customers destined for
 - Qwest customers, and (b) originated by Qwest customers destined for Pac-
 - West customers.
- 20 3. Does Pac-West provide any competitive local telephone services in Arizona?
 - 21 How many minutes of use of per month of competitive local telephone services
 - 22 does Pac-West originate and to whom?
- 23 4. Does Pac-West have any customers other than ISP's? Where are Pac-West's
 - ISP customers' modems located?
- 24 5. What percent/ratio of rate reduction does Pac-West claim in this case and how
 - 25 was that figure arrived? Please describe how Pac-West measures the MOU for
 - 26 calls originated by Pac-West customers?

- 1 6. Please identify the price list or contract provisions under which Pac-West
2 provides voice service or competitive local telephone services in Arizona
3 service.
- 4 7. Please provide Pac-West's definition of "ISP-bound traffic" as used in
5 Paragraph 9 of the SPOP Amendment.
- 6 8. Please provide the section of the Interconnection Agreement that specifies a
7 relative use factor to be used.
- 8 9. Please provide the section of the InterLCA Facility Amendment claimed by
9 Pac-West to allow the exchange of non-local ISP bound traffic as traffic being
10 part of the relative use reduction in rate for the first 20 miles of the SPOP and
11 InterLCA Facility.
- 12 10. Please provide the section of the InterLCA Facility Amendment claimed by
13 Pac-West to allow the exchange of non-local ISP bound traffic to be factored
14 as part of the traffic used to determine the relative use reduction in rate for the
15 first 20 miles of the SPOP and InterLCA Facility.
- 16 11. Please provide the section of the SPOP amendment claimed by Pac-West to
17 allow the reduction in rate for the first 20 miles of the SPOP facility.
- 18 12. Please provide the amount or reduction being claimed by Pac-West and the
19 basis for the amount claimed in the petition including all calculations used to
20 arrive at that total.
- 21 13. Identify every NPA-NXX that Pac-West has in service in Arizona, including
22 any NPA-NXXs for which Pac-West has ported telephone numbers from other
23 telecommunications carriers.
- 24 14. For each NPA-NXX identified in Data Request 1-13, identify the physical
25 location of Pac-West's (or its customer's) ISP Server to which those calls are
26 routed.
- 27 15. For each NPA-NXX identified in Data Request 1-13, where the individual
28 assigned telephone numbers are not assigned to an ISP Server, please identify
29 the physical location of each customer served.

- 1 16. Please provide all correspondence, e-mails, or other written communications
2 between Pac-West and Qwest that relates or refers to the issues in dispute in
3 this petition or in Qwest's counterclaim.
- 4 17. Please provide all non-privileged internal correspondence, e-mails, or other
5 written communications generated by Pac-West or any Pac-West employee or
6 agent that relates or refers to the issues in dispute in this petition or in Qwest's
7 counterclaim.
- 8 18. Please provide a list of all telecommunications services offered to Pac-West
9 customers in the state of Arizona that are offered under contract and that are
10 not contained in the Pac-West price list. Please also provide the terms and
11 conditions and pricing associated with those services.
- 12 19. Please provide copies of any and all settlement agreements Pac-West has
13 entered into with other carriers related to compensation for VNXX traffic or
14 ISP-bound traffic.
- 15 20. How many ISP customers does PacWest serve in the state of Arizona? How
16 many physical connections to the PacWest switch does PacWest sell to ISPs?
- 17 21. Where is the physical location of the PacWest switches that serves ISP
18 customers receiving calls from Qwest Arizona end users who dial the
19 telephone number of the ISP connected to the PacWest switch?
- 20 22. For all the traffic that Qwest sends to Pac-West, please identify the amount of
21 traffic each month since January 2001 that originates and terminates in
22 different local calling areas but that is not rated as toll traffic due to VNXX
23 numbering assignment. Exclude traffic that is sent by Pac-West to an ISP
24 customer whose server is located in the same local calling area as where the
25 call originated.
- 26 23. What type of facility is used to provide service by PacWest to its ISP
customer? How many telephone numbers are provided in association with the
facility for each ISP customer? List the telephone numbers provided
(assigned) on those facilities.
- 24 24. Please identify any network facilities provided by Pac-West to its ISP
25 customers, i.e. switch ports, loops, or other facilities used to provide the
26 service Pac-West offers to ISP customers.

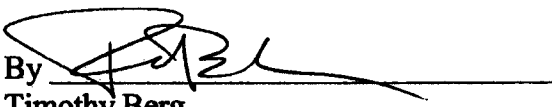
- 1 25. At what physical location, for each ISP, does the traffic delivered by Qwest to
2 Pac-West leave the public switched network and pass through a Pac-West
3 Customer's Network Interface Device (NID)?
- 4 26. Please state whether there is any difference in prices in Pac-West price lists for
5 ISPs to obtain service in the same local calling area as the Pac-West switch
6 versus any other local calling area. If so, please specifically identify the pages
7 and sections of the price list that show the pricing differential.
- 8 27. Please identify the price list or contract provisions under which Pac-West
9 provides VNXX service to its ISP customers.
- 10 28. Please fully describe Pac-West's network including location of switches and
11 arrangements and charges for VNXX service.

12 SUBMITTED this 22nd day of March, 2006.

13 Norman Curtright
14 QWEST CORPORATION
15 4041 N. Central Avenue
16 Phoenix, AZ 85012
17 (602) 630-2187

18 -and-

19 FENNEMORE CRAIG, P.C.

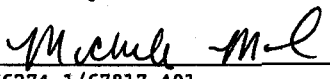
20 By 
21 Timothy Berg
22 Theresa Dwyer
23 Patrick J. Black
24 3003 N. Central Ave, Suite 2600
25 Phoenix, Arizona 85012
26 (602) 916-5421

Attorneys for Qwest Corporation

25 COPY of the foregoing hand-delivered
26 this 22nd day of March, 2006 to:

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Joan S. Burke
OSBORN MALEDON
2929 North Central, Ste. 2100
Phoenix, AZ 85012
Attorneys for Pac-West Telecomm, Inc.


1776274.1/67817.401